



EMPLOYMENT TRIBUNALS

Claimant: Ms V Fiander

Respondent: Acoustiguide Ltd

Heard at: Bristol (by CVP) **On:** 26 October 2020

Before: Employment Judge Midgley

Appearances

For the Claimant: In person

For the Respondent: Miss S Murphy

JUDGMENT

1. The response having been struck out; the claim of unfair dismissal succeeds.
2. The respondent unfairly dismissed the claimant.
3. The respondent is ordered to pay the claimant the sum of **£12,571.80** as compensation (calculated as detailed below):

Basic Award	£3,150.00
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Compensatory Award

(a) Loss of statutory rights	£525.00
(b) Past loss of income	£8,578.34
(c) Loss of pension contribution	£318.46

4. No deduction to those awards is appropriate applying Polkey v AE Dayton Services Ltd. Had a fair process been followed there is no prospect that the claimant would have been fairly dismissed; she would have accepted the suitable alternative role at the Tower of London.
5. No uplift is appropriate in accordance with s.207A TULR(C)A 1992. The respondent complied with the ACAS Code of Practice in its conduct of the disciplinary and grievance procedures.

Recoupment

6. The total monetary award for the purposes of the Employment Protection (Recoupment of Benefit) Regulations 1996 ("The Regulations") is £9,421.80.
7. The claimant did not receive benefits which are subject to the Regulation 8(2) of Regulations in the prescribed period and pursuant to Regulation 4(8) no recoupment is therefore required.

Employment Judge Midgley

Date 26 October 2020

JUDGMENT SENT TO THE PARTIES ON

.....13 November 2020.....

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FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.